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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/067,304      | 02/07/2002  | Katsushi Fujii       | 219202US6           | 7100             |

22850 7590 12/13/2006

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EXAMINER

HUYNH, BA

ART UNIT PAPER NUMBER

2179

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/067,304

Applicant(s)

FUJII ET AL.

Examiner

Ba Huynh

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed 9/13/06 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "the generation unit records the chat conducted in the chat room in association with a profile of the first terminal".

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed fails to provide a detailed description for the now claimed limitation "the generation unit records the chat conducted in the chat room in association with a profile of the first terminal" (claim 6, and similarly recited in claims 7-9).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application publication 2002/0071,540 (Dworkin), in view of US patent 6,363,352 (Dailey et al).

- As for claims 1, 3-5: Dworkin teaches a computer implemented system and corresponding method connected to a network server (figure 2) for managing a first service of distributing contents and a second service of providing a group chat space, in real-time according to a reservation made in advance by the first terminal, and, to a plurality of second terminals for requesting the use of first service and the use of a second service (0002-0008, 0015-0019), comprising the means/steps for:
  - acquiring means configured to acquire reservation information, sent by the first terminal, to the information processing apparatus from a reservation database in order to provide the first service to the second terminal (0015, 0025),
  - generating means configured to generate the chat space corresponding to the reservation at a predetermined time designated by the reservation (0019-0021, 0025-0028)
  - providing means for providing the chat space (0004, 0006, 0019, 0021, 0022) to the first and second terminals coincident with the first service (0004, 0019, 0021),
  - the second terminal accessing the chat space and first service in accordance with

authentication data (0024, 0025, 0028). Per Dworkin, recording/playback and live broadcasting services are provided (0027).

Dworkin discloses that chat room password is required for accessing the chat space (0026). Conference participants are notified and connected to scheduled conference at start time (0027). Streaming services, including whiteboarding and application sharing, are available for live broadcast of conferences (0027). Thus it appears that conference content is provided to the server such that whiteboarding and application sharing is available at the time of the conference. Even if it is not, implementation of providing conference content to the server is disclosed by Dailey et al (abstract, 3:61-4:3). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Dailey's teaching of providing conference content to the server to Dworkin. Motivation of the combining is for the advantage of automating content distribution as suggested by Dailey (2:65-3:3). It further appears that authentication data ("chat room password") is included in the notification in order for the notified participant to be connected to the conference ("Designated participants are notified by the ASP, and connected to scheduled conferences at start time"). Even if it is not, sending notification with authentication data by the server to conferee is well known in the art and is disclosed by Dailey's (Dailey's 10:10-18. See also US 2001/0023430, par 0006-0007 and US 2006/0090013, par 0108). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the Dailey's teaching of including authentication data in the meeting

request to Dworkin. Motivation of the combining is for real time conferencing as suggested by Dailey. Per Dailey, the chat space is generated at “predetermined time” prior to a distribution start time (Dailey’s 5:27-30).

- As for claim 2: Dworkin fails to clearly teach deleting the chat space at pre-determined time after distribution end time. However Official notice is taken that implementation of deleting the chat space at pre-determined time after distribution end time would have been obvious to one of skill in the art at the time the invention was made. Motivation of the implementation is for accounting and schedule management purposes.
- As for claim 6-9: Per Dworkin, recording/playback and live broadcasting services are provided (0027).

#### ***Response to Arguments***

4. Applicant's arguments have been fully considered but they are not persuasive.

#### **REMARKS:**

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. The applicant fails to specifically pointing out how the language of the claims patentably distinguishes them from the references. In response to applicant's argument that the references fail to show certain features of applicant's

invention, it is noted that the features upon which applicant relies (i.e., “the chat room is automatically generated to be coincident with the delivery of the streaming content”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As set forth in the rejection, Dworkin discloses generating means configured to generate the chat space corresponding to the reservation at a predetermined time designated by the reservation (0019-0021, 0025-0028) providing means for providing the chat space (0004, 0006, 0019, 0021, 0022) to the first and second terminals coincident with the first service (0004, 0019, 0021), the second terminal accessing the chat space and first service in accordance with authentication data (0024, 0025), 0028. Conference participants are notified and connected to scheduled conference at start time (0027). Streaming services, including whiteboarding and application sharing, are available for live broadcast of conferences (0027).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

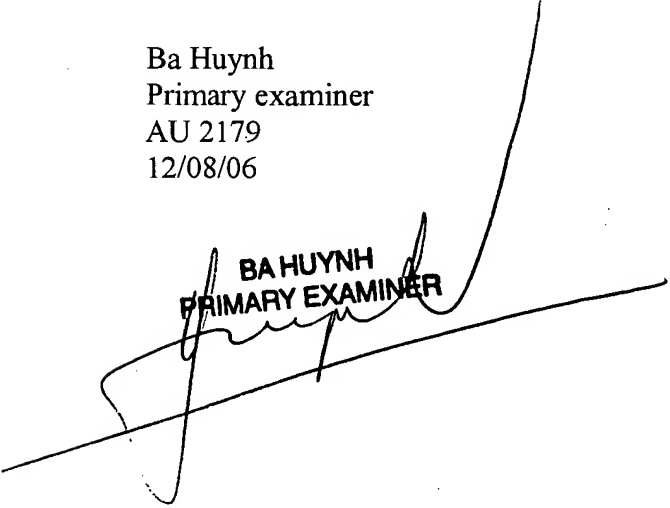
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh  
Primary examiner  
AU 2179  
12/08/06

**BA HUYNH**  
**PRIMARY EXAMINER**

A large, stylized handwritten signature in black ink is written over the printed name and title. The signature is fluid and cursive, with a long horizontal stroke extending to the left and a sharp upward curve on the right.